

DOCKET NO: 245420US6

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
KIMIHIRO SAITO, ET AL. : EXAMINER: HALEY, J.
SERIAL NO: 10/714,866 : DATE ALLOWED: FEBRUARY 22, 2007
FILED: NOVEMBER 18, 2003 : GROUP ART UNIT: 2627
FOR: OPTICAL PICKUP DEVICE, :
RECORDING AND REPRODUCING
APPARATUS AND GAP DETECTION
METHOD

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicant acknowledges with appreciation the indication of allowability of the claimed invention. In response to the Examiner's Statement of Reason for Allowance in the Notice of Allowance of February 22, 2007, Applicant respectfully submits the following comments.

In the Examiner's Statement of Reasons for Allowance on page 2 of the Notice of Allowance mailed February 22, 2007, lines 4-8 state:

The following is an examiner's statement of reasons for allowance: The closest prior art (Suzuki et al. (US 6298026)) teaches all of the of independent claims 1, 5 and 7 except obtaining a signal corresponding to the distance between the surface of a medium and the flat surface portion of the immersion lens and controlling the gap between these two surfaces.

However, it is respectfully noted that none of independent Claims 1, 5, and 7 include all of the elements recited above. For example, none of independent Claims 1, 5, and 7 recite

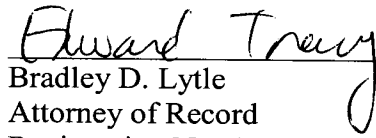
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“controlling the gap between these two surfaces.” Accordingly, it is respectfully submitted that the above-quoted statement does not apply to any of Claims 1-7.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

A handwritten signature in cursive script, appearing to read "Bradley D. Lytle", is written over a horizontal line.

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